

AGENDA

**BOARD OF COMMISSIONERS
SPECIAL MEETING
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**OCTOBER 30, 2006
5:30 P.M. (EST)**

1. INVOCATION

William Hartung, Chaplain, Frankfort Police Department

PLEDGE OF ALLEGIANCE

John Hammond

ROLL CALL

MINUTES

September 25, 2006 Regular Meeting;
October 2, 2006 Special Meeting; October 9, 2006 Work Session.

MAYOR'S REPORT

2. CEREMONIAL ITEMS

2.1 Award Presentation

Background: Frankfort Fire and EMS will present a Public Service Award to Kim Watson, FEWPB Safety Officer, for her dedication to workplace and community safety.

2.2 Swearing in of Police Chaplain Jonathan Wells

Background: Volunteer civilian ministers serve as Chaplains to the Frankfort Police Department. The Chaplaincy consists of Rev. William Hartung and Rev. Daniel Wilson. Rev. Jonathan Wells will be sworn in to also serve in this capacity.

3. ORDINANCES

3.1 SECOND READING: AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES by amending the City of Frankfort Zoning Ordinance - Article 4, Section 4.01 Table of Permitted Uses and Section 4.06 Noted Special Conditions of the City of Frankfort's Zoning Ordinance. Specifically, the request is to add the use of self-storage/mini-warehouse as a conditional use within the CL, CG, and CH Districts when specific conditions are satisfied.

Purpose: To amend the City's Zoning ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending the City of Frankfort Zoning ordinance - Article 4, Section 4.01 Table of Permitted Uses and Section 4.06 Noted Special Conditions of the City of Frankfort's Zoning Ordinance. Specifically, the request is to add the use of Self-storage/mini-warehouse as a conditional use within the CL, CG, and CH Districts when specific conditions are satisfied.

Background: A request from Mr. Jonathan Otis on behalf of Mr. Jerry Lunsford has been made to add mini-warehouse/self-storage as conditional use within the table of uses for the PO, CL, CG, and CH zoning districts when specific conditions have been met.

Staff prepared a proposed text amendment with specific conditions relating to the design of such uses within these districts. The design requirements are intended to assist with the compatibility of such uses with the adjacent properties.

On June 28, 2006, the Zoning Update Committee discussed the item, removed the reference to the PO district, made other minor changes and supports the revised proposed text amendment.

On August 10, 2006, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, approved the report as the findings rather than requesting a summary, and unanimously approved to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment.

This Ordinance had its first reading on September 25, 2006.

Recommendation: Approval

Attachments:

- Proposed Ordinance amendment
- The report submitted to the Planning Commission
- Minutes of the August 10, 2006 Planning Commission meeting

Contact Person

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8513
Email: gmuller@fewpb.com

3.2 **SECOND READING:** An Ordinance accepting Sonoma Drive, Goodman Way, and Charleston Court into the City street system.

Purpose: The purpose of this item is to consider an ordinance to accept Sonoma Drive, Goodman Way, and Charleston Court into the City street system for maintenance. The streets have been inspected and any deficiencies noted have been corrected or bonded. The streets have been certified that they meet or exceed the minimum standards of the City of Frankfort at the time of approval. Approval of the ordinance to accept the streets will complete the official action required for acceptance into the City street system.

This Ordinance had its first reading on September 25, 2006.

Recommendation: Approval

Attachments:

- Ordinance

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8500
E-Mail: jhackbart@fewpb.com

3.3 **FIRST READING:** An Ordinance amending Frankfort Code of Ordinances, Chapter 37, Personnel; City Employees, Section 37.34, and Positions for the Sewer Department, Section 37.35, Biweekly Rates.

Purpose: To amend sections of Frankfort Code of Ordinances to adjust positions and classifications.

Background: This ordinance change is to continue to streamline our system. Some positions and classifications are renamed and applicable classifications adjusted.

Financial Analysis: Cost to make affected adjustments will be approximately \$1,076.43. Funds are available in the 2006-2007 Budget.

Recommendation: Approval

Attachments:

- Ordinance

Contact:

Name: John Morrow
Title: Director
Department: Personnel
Phone: 502/875-8500
E-Mail: jmorrow@fewpb.com

- 3.4 **FIRST READING:** An Ordinance rezoning property for a 1.59-acre parcel of property located at 113 Old Soldiers Lane with the PVA map # 049-40-06-028.00 from Residential "B" District (RB) to Professional Office District (PO).

Purpose: To consider approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by J.T. Lunsford Company, LLC, for a 1.59-acre vacant parcel of property located at 113 Old Soldiers Lane from Residential "B" district (RB) to Professional Office District (PO). More specifically described as PVA map #049-40-06-028.00.

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government.

Should the City Commission desire not to follow the Planning Commission's recommendation, then the item is to be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact. Any action by the City Commission is to be limited to only the findings and testimony given during the Planning Commission hearing and no additional evidence or testimony is to be received unless, a new public hearing is held by the City Commission.

On September 14, 2006, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed (no one present spoke in opposition to the zone map amendment – an adjacent owner did request that a fence be installed along their property) and the Planning Commission adopted the report as the summary. They then approved and adopted the 5 findings of fact as identified within the report, and motioned to recommend approval of a zone map amendment from Residential "B" district (RB) to Professional Office District (PO) based on the five (5) findings of fact. The motion to recommend approval of the requested zone map amendment passed unanimously.

Recommendation: Approval

Attachments:

- Ordinance
- Adopted Findings of Facts
- Staff Report reviewed by the Frankfort/Franklin County Planning Commission

Contact Person

Name: Gary Muller

Title: Director
Department: Planning and Building Codes
Phone: 502/352-2100
E-mail: Gmuller@fewpb.com

4. ORDERS

4.1 An Order renaming a portion of Commonwealth Boulevard to Commonwealth Court.

Purpose: The purpose of this item is to consider an order changing the street name of the 100 block of Commonwealth Boulevard to Commonwealth Court.

Background: The City received a request from Dispatch to change the street name of the 100 block of Commonwealth Boulevard to Commonwealth Court. Commonwealth Boulevard is currently not connected to the Commonwealth Boulevard in the Tanglewood Subdivision. Due to this disconnect, it is confusing for the public and emergency vehicles to find the properties located on the 100 block of Commonwealth Boulevard. The City has contacted the two affected property owners and both are in favor of the change. Two address changes will result from the street name change.

Recommendation: Approval.

Attachments:

- Order
- Letter to property owners
- Letter from property owners
- Internal e-mails
- Area map

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8563
E-mail: jhackbrt@fewpb.com

5. RESOLUTIONS

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To consider authorizing the purchase of three 2007 Ford E450 16-passenge Cut-Away Transit Buses (Public Works - Transit).

Purpose: The purpose of this item is to authorize the purchase of three 2007 Ford E450 16-passenger transit buses.

Background: The Transit Division requires three new buses to replace three 2002 Ford E-450 transit buses with over 100,000 miles each. The older models will be declared surplus. The three new buses are equipped with wheelchair lifts, security cameras, and stainless steel bike racks. The buses will be purchased through Rural Transit Enterprises Coordinator's (RTEC) bid package awarded August 2006. Utilizing RTEC's bid prices satisfies the City's purchasing requirements.

Financial Analysis: The total cost of the three buses is \$153,075. The City will be reimbursed through the Section 5311 Capital Grant as follows: Federal Share \$122,460 (80%) and the State Share \$15,307.50

(10%) The City's 10% match of \$15,307.50 is available in Transportation Improvement Account No. 530-005-1100.

Recommendation: Approval

Attachments: None

Contact Person:

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/352-2091
E-mail: jhackbrt@fewpb.com

- 6.2 To consider an application for litter abatement Funding through the Kentucky Natural Resources and Environmental Protection Cabinet (Public Works).

Purpose: The purpose of this item is to apply for litter abatement funds through the Kentucky Natural Resources and Environmental Protection Cabinet.

Background: The City of Frankfort is eligible to apply for litter abatement funds through the Kentucky Natural Resources and Environmental Protection Cabinet. This funding is available to cities and counties throughout the Commonwealth to support litter clean up on public roadways. This new program is funded through House Bill 174 that recently was approved by the Kentucky Legislature. HB 174 requires permitted solid waste landfills to collect an additional \$1.75/ton to pay for litter abatement programs and proper closures of abandoned landfills. The funding level received is based upon public street miles within the City limits. As required by KRS 224.43-345, two litter cleanups will be conducted along City streets each year. The City agrees report expenditures of the litter abatement funds to Franklin County Fiscal Court by February of each year in order to be included into the Franklin County's Annual Solid Waste Report.

Financial Analysis – There no longer is a 25% match required in order to receive litter abatement funds. Based upon street miles, the City received \$7,292.50 in 2006 and a similar amount is expected for 2007.

Recommendation: Approval

Attachments:

- Litter Abatement Funding Form

Contact Person

Name:	Jeff Hackbart	Mark Barrett
Title:	Director	Franklin Co. Solid Waste Coordinator
Department:	Public Works	
Phone	502/875-8563	502/875-8751
E-mail	jhackbrt@fewpb.com	

- 6.3 To consider an extension of Quest Engineers, Inc. Engineering Services Agreement for continuing engineering services related to the Sanitary Sewer Evaluation and Sanitary Sewer Overflow Plan (Sewer Department).

Purpose: To award a contract extension to Quest Engineers for a term of three years to continue with the evaluation of the sanitary sewer system. This contract will also be utilized to evaluate mitigation and elimination of sanitary sewer overflows.

Background: In March 2000 the City of Frankfort awarded an Engineering Services Agreement to Quest Engineers to provide engineering services and associated services for the Sewer Department. The

current Agreement was for a term of 3 years and expired on September 30, 2006. This renewal is for a period of 3 years with a contract increase of \$50,000.

Financial Analysis: Funds are available in Account No. 450.68.56550.

Recommendation: Approval

Attachments:

- Continuing Engineering Services Agreement – Under Attorney Review

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@fewpb.com

- 6.4 To consider award of a bid for a 2007 Ford F-557 4x4 Chassis Regular Cab DRW/165 Diesel (Sewer Department).

Purpose: To award the bid of 2007 Ford F-557 4x4 Chassis Regular Cab DRW/165 Diesel for the Sewer Department Pump Mechanic crew.

Background: Out of the ten packets mailed to dealers in Frankfort, Lawrenceburg, Versailles, Georgetown and Lexington, only one sealed bid was received from Jack Kain Ford Inc. of Versailles. This vehicle is in stock and does not have to be ordered.

Financial Analysis: Funds are available in Account No. 300.68.56550. The cost will be \$35,939.

Recommendation: Approval

Attachments:

- Bid Tabulation Sheet

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
E-Mail: Wscalf@fewpb.com

- 6.5 To consider amending a Professional Services Agreement with David Banks, Architect & Associates, to update the 2005 St. Clair Parking Structure Report (Public Works).

Purpose: To amend the professional service agreement with David Banks, Architect & Associates, to update the 2005 St. Clair Parking Structure Report and to provide architectural services.

Background: The St. Clair Parking Structure was constructed in 1976 and consists of three parking levels above retail space on the street level. Over the years the parking structure has displayed some deterioration, primarily due to infiltration of water, freezing and thawing. In the spring of 2005, the City constructed a temporary covered walkway to protect pedestrians from falling fragments of brick. The City contacted David Banks, Architect & Associates, to investigate the brick façade problem and propose a repair recommendation. The initial recommendation was to solve the water infiltration problem by protecting the brick from water exposure. As per the 2005 Report, the City began making recommended repairs in 2006.

In the course of this effort, it was determined by Mr. Banks that a structural engineer also be consulted. FFMJ Engineering was contacted. This firm made a recent visit to the parking structure. It was noted by the structural engineer that the St. Clair Parking Garage is nearing the end of a typical parking garage design life (30 years).

As a result from the visit, the structural engineer has recommended that the third and fourth level of the St. Clair Garage be closed until a more extensive structural study be completed. This is a safety precaution.

Further, due to a State recommendation, this study will also address investigating the adequacy of the garage barrier walls.

It is recommended that the City amend its agreement with David C. Banks, Architect & Associates, to develop pre-construction drawings and architectural services for the St. Clair Parking Structure and to include barrier wall recommendations.

Financial Analysis: Funds in the amount of \$20,000 are available in the Public Works Advisory Technical Account 100-61-53210 for these professional services. This amended agreement with David Banks, Architects & Associates, shall not exceed \$20,000.

Recommendation: Approval

Attachments:

- Agreement
- Letter from David Banks

Contact Person:

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8500
E-Mail: jhackbrt@fewpb.com

6.6 To consider a Release of Easement for property known as Lot 47, Thistleton Subdivision (City Manager).

Purpose: To consider release of an unnecessary roadway easement for property known as Lot 47, Thistleton Subdivision.

Background: The City currently has a roadway easement across Lot 47 of the Thistleton Subdivision, for access to a sewer pump station site. The easement is unnecessary and the City wishes to release this easement. The City will still retain its sewer easement over property. The property is owned by William James Malone and Frances Catron Malone. The easement has been signed by all parties and must be filed with the County Clerk.

Recommendation: Approval

Attachments:

- Release of Easement

Contact Person

Name: Rob Moore
Title: City Solicitor
Department: City Manager
Phone: 502/227-2271
E-Mail: Rmoore@hazelcox.com

6.7 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
Resignation	Timothy J. Conner	Police Dept	10/9/06	Patrol Officer I; request authorization to pay all accrued time.
	Robert Hewitt	Planning & Bldg Codes	10/6/06	Planning Supervisor; request authorization to pay all accrued time.

Attachments:

- Timothy J. Conner resignation letter
- Robert Hewitt resignation letter

Contact Person

Name: John Morrow
Title: Director
Department: Human Resources
Phone: 502/875-8500
E-mail: Jmorrow@fewpb.com

7. BOARD APPOINTMENTS

8. OLD BUSINESS

9. NEW BUSINESS

9.1 **FIRST READING:** An Ordinance Amending Frankfort Code of Ordinances Section 36.198.

Purpose: The purpose of this is to amend the City-County Economic Industrial Development Authority (CCEIDA) Ordinance.

Background: This Ordinance amends the joint City/County Economic Development Authority Ordinance as it relates to occupational tax sharing. The amendment provides that occupational license fees received from all new incoming business or industry located in Frankfort or Franklin County shall be shared fifty-fifty with each local government. Governmental expansions or shifts of state government offices shall not come under this tax-sharing requirement..

This Ordinance will minimize competition between the City and County in economic development recruitment. It will also allow CCEIDA to market the Frankfort Research and Office Park, as well as other properties the City has available.

Financial Analysis: All occupational taxes will be collected by one governmental entity and distributed by formula to the other entity. It is anticipated that this arrangement will result in greater collection of taxes.

Recommendation: Approval

Attachments:

- Ordinance (to be provided when available)

Contact Persons:

Name:	Tony Massey	Robert C. Moore
Title:	City Manager	City Solicitor
Department:	City Manager	
Phone:	502/875-8500	502/227-2271
E-Mail:	Amassey@fewpb.com	Rmoore@hazelcox.com

- 9.2 Resolution adopting and approving the execution of a Municipal Road Aid Discretionary Bond Fund Agreement between the City of Frankfort and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs and accepting all streets referred to therein as being streets which are a part of the City of Frankfort, and authorizing the Mayor to sign all related documents.

Purpose: The purpose of this item is to consider approval of a Resolution authorizing the Mayor to sign a Grant Assistance Agreement for funds awarded to Frankfort by the Commonwealth of Kentucky, Transportation Cabinet, Department of Governmental Relations, for the resurfacing of various city streets. Adoption of the Resolution will allow the Mayor to sign the Grant Agreement and all administrative documents required to process the funding.

Background: The City of Frankfort applied for Discretionary Bond Road Funds to resurface various city streets. The City was informed earlier this month that it had been awarded \$375,000 for this purpose.

Financial Analysis: The funding is for the amount of \$375,000. Any monies spent of this amount will be the responsibility of the City and if actual costs for this project are less than \$375,000 the excess funds shall be credited back to the Municipal Road Aid Discretionary Bond Fund.

Attachments:

- Resolution
- Grant Assistance Agreement

Contacts:

Name:	Jeff Hackbart	Rebecca Hall
Title:	Director	Grants Manager
Department:	Public Works	City Manager
Phone:	502/352-2091	502/352-2076
Email:	jhackbart@fewpb.com	rhall@fewpb.com

- 9.3 To consider authorizing the expenditure of funds to purchase 2.882 acres (125,521 sq. ft.) of land owned by the Commonwealth of Kentucky located at the East Frankfort Fire Station (Finance Department).

Purpose: To authorize the expenditure of funds to purchase 2.882 acres (125,521 sq. ft.) of land owned by the Commonwealth of Kentucky located at the East Frankfort Fire Station.

Background: Currently the City has a lease purchase option with the Commonwealth for the property occupied by the Fire Station. This request is to purchase this property currently being leased. In doing so, the City will be able to obtain a recordable deed thus showing ownership and will be able to enter into leases with cell tower companies. Ownership of the property will ensure that the Fire Station can remain in the current location.

Financial Analysis: Costs estimated at less than \$10,000. Funds are available in the Contingency Fund Account #100.95.53295.

Recommendation: Approval

Attachments: None

Contact Person:

Name:	Steve Dawson
Title:	Director
Department:	Finance
Phone:	502/875-8500
E-Mail:	Sdawson@fewpb.com

- 9.4 To consider authorizing a contract award to Statiflo Corporation for Static Mixing Equipment for new Ozone System at the Wastewater Treatment Plant (Sewer Department).

Purpose: The purpose of this item is to award a contract to static mixing equipment at the Frankfort Sewer Department to supersaturate the effluent with Ozone for disinfection at the Wastewater Treatment Plant.

Background: Bids were opened on Wednesday October 11, 2006 and 1 bid was received. A copy of the bid tab is attached. Bell Engineering and OSSGI have reviewed and evaluated the bidder.

Attached is a copy of the letter from Bell Engineering with their recommendation. The bid came in slightly over the engineer's estimate, but the project still remains within the projected budget. The purchase price of the static mixers is \$144,950.

Financial Analysis: Funds are available in Account No. 300.68.56550.

Recommendation: Approval

Attachments:

- Bid Tabulation Sheet
- Recommendation from Bell Engineering

Contact Person

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

- 9.5 To consider authorizing a Sanitary Sewer Extension Contract with John W. Bizzack, single, Bizzack Family Limited Partnership, a Kentucky limited liability partnership, Frankfort, Kentucky (Sewer Department).

Purpose: To approve a sewer extension contract with owner of Englewood Business Park at Englewood Drive off of Duncan Road in Frankfort, Franklin County, Kentucky, that is properly zoned for commercial development of ten (10) lots, with improvements including 9 new manholes and 1,609 feet of 8-inch SDR 35 pipe serving lot numbers 1 – 10.

Background: Prior to acceptance of discharge from a development into the municipal sanitary sewer and acceptance of the development's collection by the Department, a contract must be entered into between the developer and the City of Frankfort.

John W. Bizzack, single, has signed the contract. Sanitary sewer plans and specifications have been prepared and submitted to the Department for review and approval. The Division of Water has approved the sanitary sewer plans and specifications. Final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.

Financial Analysis: Not applicable

Recommendation: Approval

Attachments:

- Sanitary Sewer Extension Contract

Contact Person

Name: William R. Scalf, Jr., P.E.

Title: Director
Department: Sewer
Phone: 875-2448
Email: wscalf@fewpb.com

9.6	<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Date</u>	<u>Other</u>
	Appointment	Kevin J. Meriwether	Sanitation	10-31-06	Tech II
	Resignation	Edward A. Smith	Sewer	10-17-06	Tech II; authorization to pay all accrued time as of effective date.

Attachments:

- Edward A. Smith Resignation letter

Contact Person

Name: John Morrow
Title: Director
Department: Human Resources
Phone: 502/875-8500
E-mail: Jmorrow@fewpb.com

10. CITIZEN COMMENTS (Non-agenda items)

11. COMMISSIONER COMMENTS

12. ADJOURNMENT